

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

JAMES EVERETT SHELTON

Plaintiff,

-against-

7:19-cv-06494-NSR

LUMICO LIFE INSURANCE COMPANY,

and ASSURANCE IQ, INC.

Defendants.

**PLAINTIFF’S REQUEST FOR A FED. R. CIV. P. 16 CONFERENCE**

COMES NOW the plaintiff James Everett Shelton (“Plaintiff”), by and through his undersigned attorney, and request that the Court set a Fed. R. Civ. P. 16 conference regarding this lawsuit. The Plaintiff is submitting this request pursuant to this Court’s Emergency Individual Rules and Practices in Light of COVID-19<sup>1</sup>.

In further support, the Plaintiff states:

1. This proposed class action alleges that Assurance IQ, Inc. (“Assurance”) initiated pre-recorded and automated telemarketing calls to the Plaintiff to promote Lumico Life Insurance Company’s (“Lumico”) insurance services. The Plaintiff is enforcing the consumer-privacy provisions of the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227 and seeks to represent three putative classes of recipients of the calls.
2. This matter was filed in this Court on July 12, 2019. ECF No. 1.
3. Lumico filed an Answer to the Complaint on September 30, 2019. ECF No. 22.
4. Assurance appeared on September 25, 2019. ECF No. 20.
5. Shortly thereafter, per Section 3.A(i) of this Court’s Standing Order governing the Individual Practices in Civil Cases, Assurance wrote to the Court regarding its anticipated motions to dismiss, strike and/or stay this matter.

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<sup>1</sup> Available at:  
[https://nysd.uscourts.gov/sites/default/files/practice\\_documents/NSR%20Roman%20COVID-19%20Emergency%20Rules%20and%20Practices.pdf](https://nysd.uscourts.gov/sites/default/files/practice_documents/NSR%20Roman%20COVID-19%20Emergency%20Rules%20and%20Practices.pdf).

6. In November 2019, per Section 3.A(i) of this Court's Standing Order governing the Individual Practices in Civil Cases and Local Civil Rule 37.2, the Plaintiff wrote the Court requesting a discovery meeting concerning the parties' obligations to participate in a Fed. R. Civ. P. 26(f) conference, which had not yet occurred.

7. There has been no action taken by the Court on either of the letters from Assurance or the Plaintiff.

8. The parties have still not conducted a Fed. R. Civ. P. 26(f) conference.

9. Prior to the filing of this request, counsel for the Plaintiff conferred with counsel for both parties, who did not agree to the requested relief.

WHEREFORE, the Plaintiff requests that the Court set a Rule 16 conference for this matter.

Plaintiff by his attorneys,

/s/ Anthony I. Paronich

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Dated: July 28, 2020

### **CERTIFICATE OF SERVICE**

I hereby certify that on July 28, 2020, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of the court's electronic filing system.

/s/ Anthony I. Paronich  
Anthony I. Paronich